

Serial No.: 10/810,518
Office Action Mailed: September 19, 2006
Response Mailed: October 19, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1651

In re

Patent Application of:
Thomas H. Barrows, et al.

Serial No.: 10/810,518

Confirmation No.: 1213

Filed: March 26, 2004

Examiner: Deborah K. Ware

TISSUE ENGINEERED BIOMIMETIC HAIR
FOLLICLE GRAFT

I, Sally Sorensen, hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on the date of my signature.


Signature

October 19, 2006

Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 19, 2006, in which a requirement for restriction was made, Applicants elect Group I, with traverse.

The Examiner asserts that the claims are directed to three separate inventions: Group I (claims 32-47), Group II (claim 48) and Group III (claims 49-50). Applicants elect Group I (claims 32-47) and traverse the restriction requirement as it relates to Groups I and II. Applicants respectfully submit that claim 48 of Group II should be rejoined with Group I.

Applicants respectfully disagree with the description of Groups I and II. It is submitted that a proper description of Group I is "a graft comprising (1) a bioabsorbable filament having a central lumen; and (2) epidermal cells and dermal cells disposed within the lumen" and a proper description of Group II is "a graft comprising (1) a bioabsorbable filament having a central

lumen; and (1) epidermal cells and dermal cells disposed within the lumen wherein the epidermal cells are adjacent to the interior wall of the lumen.”

A proper requirement for restriction requires that the inventions must be independent or distinct as claimed, and there must be a serious burden on the Examiner if restriction is not imposed. If “the search and examination of an entire application can be made without serious burden, the examiner must examine [the application] on the merits, even though [the application] includes claims to distinct or independent inventions.” (MPEP 803). Applicants respectfully submit that restriction between Groups I and II would not be appropriate in this case because examining the claims together would not impose a serious burden on the Patent Office. A search for the claims of Group I would encompass Group II.

In view of the foregoing, Applicants respectfully request rejoinder of Groups I and II. Applicants preserve the right to prosecute the non-elected claims in a divisional application. No fee is believed due in connection with this submission. However, if a fee is owed, please charge Deposit Account No. 50-0842 for such fee.

Respectfully submitted,


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Docket No.: 010414-9012-US00

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